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Total Number of Pages in This Submission

2

Application Number 10/774,746

Filing Date 02-09-2004

First Named Inventor Todd Ovokaitys

Art Unit 3735

Examiner Name FARAH, AHMED M

Attorney Docket Number 2200.GEMA.NP

ENCLOSURES (Check all that apply)

- | | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
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| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

The Commissioner is hereby authorized to credit any overpayment or debit any amount owing to Deposit Account No. 502720.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name BATEMAN, BIP LAW GROUP

Signature

Printed name Randall B. Bateman

Date

Aug. 3, 2007

Reg. No.

37,774

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Aug. 3, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Todd F. Ovokaitys
SERIAL NO.: 10/774,746
FILING DATE: February 9, 2004
TITLE: ENHANCED BIOAVAILABILITY
OF NUTRIENTS, ...
ART UNIT: 3762
EXAMINER: Ahmed M. Farah
DOCKET NO.: 2200.GEMA.NP

CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450.


Randall B. Bateman

Aug. 3, 2007
Date of Deposit

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 3, 2007, the Examiner entered a restriction/election requirement requiring the an election of species and an identification of the claims which read on the elected species. The election requirement indicated that the invention contained species A through AC (29 species) and referred to 17 paragraphs in Applicant's Summary of the Invention. (Paragraphs 78-94). Applicant is unable to determine what the Examiner believes to be the 29 different species. For example, paragraphs 78-80 deal with increasing the potency of L-arginine to increase the physiologic benefits of arginine-derived nitric oxide. It is unclear whether the Examiner deems this to be one species or four separate species.

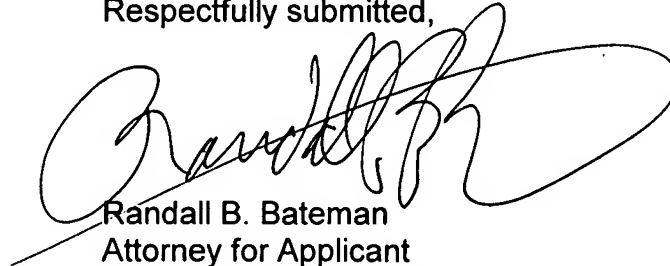
On July 26, 2007, Applicant's counsel called the Examiner and indicated that he was unable to determine the species which fall into A through AC and was thus unable to either elect a species or identify the claims which read thereon. The Examiner indication that he would call back with additional clarification. No call has been received. Applicant therefore

requests a new restriction/election requirement which specifies the species identified by the Examiner. Applicant will then promptly elect a species and identify the claims which read thereon.

Please charge any additional fees or credit any overpayment to Deposit Account No. 502720.

DATED this 3rd day of August, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randall B. Bateman", written over a horizontal line.

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